



SPONSOR: Rep. Osienski

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 4
TO
HOUSE BILL NO. 150

AMEND House Bill No. 150 on line 25 by striking §4764 as it appears therein and inserting in lieu thereof “§4764
Chapter 47”.

FURTHER AMEND House Bill No. 150 by striking line 34 in its entirety and inserting in lieu thereof the
following:

“older, but under 21 years of age, who ~~commits any of the acts described in this subsection~~ knowingly or
intentionally”.

FURTHER AMEND House Bill No. 150 by inserting after line 26 and before line 27 the following:

“§ 4701. Definitions.

As used in this chapter:

(28) “Marijuana” means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof,
the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or
preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the
stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or
preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the
plant which is incapable of germination. Marijuana does not include products approved by the US Food and Drug
Administration. “Marijuana” does not include industrial hemp as defined in § 2801 of Title 3.”

FURTHER AMEND House Bill No. 150 on line 66 by striking “Department of Health and Social Services” and
inserting in lieu thereof the following: “~~Department of Health and Social Services~~”.

FURTHER AMEND House Bill No. 150 by inserting after line 394 and before line 395 the following and
redesignating accordingly:

“() The Commissioner and the Department of Agriculture shall maintain ongoing communication regarding
the physical address where marijuana or hemp is cultivated. Prior to issuing any license for cultivation of marijuana,
the Commissioner shall notify the Department of Agriculture of a proposed location of any marijuana cultivation

establishment, and take into consideration any concerns by the Department of Agriculture as it relates to the indoor and outdoor cultivation of marijuana.”

FURTHER AMEND House Bill No. 150 on lines 441 and 442 by striking “and the Department of Agriculture”.

FURTHER AMEND House Bill No. 150 on line 523 by striking “purposed” and inserting in lieu thereof “proposed”.

FURTHER AMEND House Bill No. 150 by inserting after line 802 and before line 803 the following:

“(c) The Commissioner may grant a social equity applicant a conditional license under this section. Any applicant who receives a conditional license shall have 180 days from the date of the granting of the conditional license to identify a physical location for the location of the licensed premises. The proposed licensed premises must be approved by the Commissioner. If the applicant is unable to find a suitable physical address approved by the Commissioner within 180 days of issuance of the conditional license, the Commissioner may extend the period for finding a physical address for another 180 days if the conditional licensee demonstrates concrete attempts to secure a location and a hardship to securing a location. If the Commissioner denies the extension of the conditional license and the licensee is unable to find a physical address approved by the Commissioner within the additional 180 days, the Commissioner shall rescind the conditional license.”

FURTHER AMEND House Bill No. 150 by striking lines 1140 through 1141 in their entirety and inserting in lieu thereof the following:

“The Marijuana Regulation Fund is established as a special fund of the State consisting of fees collected, civil penalties imposed under this chapter, and taxes imposed under this subchapter. The Office of the State Treasurer shall administer the Fund.”

FURTHER AMEND House Bill No. 150 by striking lines 1157 through 1185 in their entirety and inserting in lieu thereof the following:

“§ 1353. Collection and Administration of the Marijuana Control Enforcement Tax; Mandatory Reports and Preemption.

(a) The Marijuana Control Enforcement tax imposed on the consumer under § 1353 of this title shall be collected at the point of sale and remitted by each retail marijuana store licensee that engages in the retail sale of marijuana products. The Marijuana Control Enforcement tax is considered a tax upon the retail marijuana store licensee that is required to collect the tax, and the retail marijuana store licensee is considered a taxpayer.

(b) A retail store licensee shall file a monthly report to the Commissioner, the Division of Revenue, and the Division of Alcohol and Tobacco Enforcement.

54 (c) A retail marijuana store licensee shall pay the Marijuana Control Enforcement tax to the Division of Revenue
55 in the form and manner prescribed by the Commissioner, but not later than with each monthly report.

56 (d) The fact that a retail marijuana store licensee's name is signed to a report is prima facie evidence for all
57 purposes that such report were actually signed by such individual and such individual signed the report with the authority to
58 do so on behalf of the licensee.

59 (e) Except to the extent inconsistent with specific provisions of this chapter, the provisions of Chapter 5 of Title 30
60 shall govern the assessment, collection, review and appeal of deficiencies of tax imposed by this title, and any interest and
61 penalties thereon, and claims for refund of overpayment of taxes imposed by this chapter.

62 (f) The fees, charges, and taxes imposed by the State under this title chapter be in lieu of all county and municipal
63 license fees and taxes upon the business of selling, growing, and manufacturing marijuana as such. Provided however,
64 general occupational licenses fees and general taxes imposed uniformly on everyone within the class shall not be
65 preempted."

66 FURTHER AMEND House Bill No. 150 by striking lines 1192 through 1200 in their entirety and redesignating
67 accordingly.

68 FURTHER AMEND House Bill No.150 by striking lines 1213 through 1279 in their entirety and redesignating
69 accordingly.

70 FURTHER AMEND House Bill No. 150 by striking lines 1285 through 1287 in their entirety and inserting in lieu
71 thereof the following:

72 "All money received by the Division of Revenue under this chapter must be deposited in accordance with §
73 6103(a) of Title 29 and credited to the Marijuana Regulation Fund. The State Treasurer shall invest the Fund consistent
74 with the investment policies established by the Cash Management Policy Board. The State Treasurer shall credit interest to
75 the Fund on a monthly basis consistent with the rate established by the Cash Management Policy Board."

76 FURTHER AMEND House Bill No. 150 on line 1288 by striking "Apportionment of revenue." as it appears
77 therein and inserting in lieu thereof "Appropriation of revenue."

78 FURTHER AMEND House Bill No. 150 by striking lines 1289 through 1291 in their entirety and inserting in lieu
79 thereof the following:

80 "The funds in the Marijuana Regulation Fund in each fiscal year must be appropriated by the General Assembly as
81 follows:"

82 FURTHER AMEND House Bill 150 by striking lines 1321 through 1332 in their entirety and inserting in lieu
83 thereof the following:

84 “§ 4770 Expungement eligibility.
85 A conviction for possession of marijuana under § 4764 of this title or for possession of drug paraphernalia under §
86 4771 of this title is eligible for mandatory expungement under § 4373 of Title 11, in accordance with the procedures and
87 other eligibility criterion set forth in Chapter 43 of Title 11, provided however that prior or subsequent convictions are not a
88 bar to eligibility for expungement of these charges.”

SYNOPSIS

This amendment requires the Commissioner and the Department of Agriculture to maintain communication regarding the cultivation of hemp and marijuana. This amendment provides that the Commissioner may grant a social equity applicant a conditional license and sets out the requirements for maintaining the conditional license. This amendment also makes changes the Marijuana Regulation Fund and the Marijuana Control Enforcement tax. This amendment makes a technical revision to the expungement section of the bill so that it will not conflict with other pending legislative measures relating to expungement. Finally, this amendment makes minor technical corrections.